

EXHIBIT L

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 RANDY UMANZOR,

PLAINTIFF,

4 - against -

Index No:
14 CV 9859

6
7 NEW YORK CITY POLICE DEPARTMENT,

8
9 DEFENDANT.

10 -----X
11 DATE: July 16, 2015

12 TIME: 10:00 A.M.
13

14 EXAMINATION BEFORE TRIAL of the Plaintiff,
15 RANDY UMANZOR, taken by the Defendant, pursuant to the
16 Federal Rules of Civil Procedure, held at the offices of
17 the New York City Law Department, 100 Church Street, New
18 York, New York 10007, before Sylvia Kemp, a Notary
19 Public of the State of New York.
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1 A P P E A R A N C E S :

2

3 THE HARMAN FIRM, P.C.
Attorneys for Plaintiff
4 1776 Broadway, Suite 2030
New York, New York 10019
5 BY: EDGAR RIVERA, ESQ.

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ZACHARY W. CARTER, ESQ.
8 CORPORATION COUNSEL
NEW YORK CITY LAW DEPARTMENT
9 Attorneys for Defendant
100 Church Street
10 New York, New York 10007
BY: JOSEPH LOCKINGER, ESQ.
11 FILE NO.: 2015-000522
CONTROL NO.: 152118

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1 F E D E R A L S T I P U L A T I O N S

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3 IT IS HEREBY STIPULATED AND AGREED by and between
4 the counsel for the respective parties herein that the
5 sealing, filing and certification of the within
6 deposition be waived; that the original of the
7 deposition may be signed and sworn to by the witness
8 before anyone authorized to administer an oath, with the
9 same effect as if signed before a Judge of the Court;
10 that an unsigned copy of the deposition may be used with
11 the same force and effect as if signed by the witness,
12 30 days after service of the original & 1 copy of same
13 upon counsel for the witness.

14

15 IT IS FURTHER STIPULATED AND AGREED that all
16 objections except as to form, are reserved to the time
17 of trial.

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R. UMANZOR

1 R A N D Y U M A N Z O R, having been first duly sworn
2 by a Notary Public of the State of New York, was
3 examined and testified as follows:

4 EXAMINATION BY

5 MR. LOCKINGER:

6 Q. Please state your name for the record.

7 A. Randy Umanzor.

8 Q. Where do you reside?

9 A. 12 Downey Place, Staten Island, New York
10 10303.

11 Q. Good morning. My name is Joseph Lockinger and
12 I'm an Assistant Corporation Counsel with the New York
13 City Law Department. I represent the Defendant in this
14 action, New York City Police Department. Today is
15 July 16, 2015. The time is now 10:10. This deposition
16 is being conducted according to the federal rules of
17 civil procedure. This deposition is being held today at
18 the office of Corporation Counsel at 100 Church Street
19 in New York County. The deposition is being taken in
20 the case for you, Mr. Umanzor, are the Plaintiff and you
21 are suing the Defendant, the New York City Police
22 Department, in a case currently pending in the Southern
23 District of New York. Are you aware of this action?

24 A. Yes.

25 Q. I'll be asking you a series of questions today

R. UMANZOR

1 regarding the allegations in your complaint as well as
2 general questions regarding your background. The court
3 reporter administered to you an oath to tell the truth.
4 Even though we are in an informal setting here today,
5 the oath you have taken and the testimony you will give
6 has the same effect as testifying before a judge and
7 jury. Do you understand what I'm saying?

8 A. Yes.

9 Q. All my questions and your answers and
10 everything said is being taken down by the court
11 reporter. Later, the court reporter will prepare a
12 transcript of this proceeding. You will have an
13 opportunity to review it and make any changes you deem
14 necessary. However if you make any changes to your
15 answers, I'll have an opportunity at some point in time
16 to comment on these changes. For that reason, you have
17 to give your best, accurate and honest answers in this
18 deposition. Do you understand?

19 A. Yes.

20 Q. Because your responses to my questions are
21 transcribed by the court reporter, you must answer my
22 questions verbally that is with words. The court
23 reporter cannot record a hand gesture or nod of the
24 head. If you gesture or nod, I may ask is that a yes or
25 no. You must also keep your voice up so the court

R. UMANZOR

1 reporter can hear your responses. Do you understand?

2 A. Yes.

3 Q. So the record is clear, the court reporter can
4 only take down one person at a time. She cannot record
5 what both of us are saying at once. So please listen to
6 my question and wait for me to finish my question before
7 you answer. I'll try to extend you the same courtesy
8 and speak only when you finish speaking. Do you
9 understand?

10 A. Yes.

11 Q. I'm entitled to your best recollection of the
12 matters that give rise to this lawsuit even though some
13 of the events happened some time ago. You may take all
14 the time you need to think about a question before you
15 answer. Do you understand?

16 A. Yes.

17 Q. If you do not understand the question, please
18 tell me so I can re-clarify or rephrase the question.
19 Ask me to rephrase or repeat or do whatever is necessary
20 so you understand the question I'm asking you. If you
21 do not ask me to clarify or rephrase the question, I'll
22 assume you understood it and that you meant the answer
23 to be responsive to the question. Do you understand?

24 A. Yes.

25 Q. If any time you need to take a break during

R. UMANZOR

1 the deposition, please let me know. Only thing I ask,
2 if we are in the middle of a question or series of
3 questions, you answer the question before taking a
4 break. Do you understand?

5 A. Yes.

6 Q. The next series of questions are not to
7 embarrass you but rather to testify to your fitness
8 today. Is there any reason you know of that might
9 prevent you or impair you from fully answering my
10 questions?

11 A. No.

12 Q. Is there any condition mentally or physically
13 that would impair your ability to understand my
14 questions today?

15 A. No.

16 Q. Have you taken any medication, prescription or
17 otherwise, in the last 24 hours?

18 A. Yes. Tecfidera.

19 Q. What is it for?

20 A. My MS.

21 Q. Do you believe this medication would affect
22 your ability to understand my questions today?

23 A. No.

24 Q. Were you supposed to take any medications in
25 the last 24 hours?

R. UMANZOR

1 A. Yes.

2 Q. Beyond the medication you just described, any
3 other?

4 A. No, that is the only one.

5 Q. Are you currently under a doctor's care for
6 any illness or ailment?

7 A. Yes.

8 Q. What kind of ailment?

9 A. Multiple sclerosis.

10 Q. Anything else?

11 A. No.

12 Q. Who is your doctor?

13 A. Christian Babinski.

14 Q. Are you filling sick at all today?

15 A. Not at all.

16 Q. Have you taken any controlled substances
17 within the last 24 hours?

18 A. No.

19 Q. Have you consumed any alcoholic beverages
20 within the last 24 hours?

21 A. No.

22 Q. Is there any other reason you can think of why
23 you cannot give your complete attention to this
24 deposition today?

25 A. No.

R. UMANZOR

1 Q. Is there any other reason you can think of why
2 you cannot understand or answer any of my questions
3 truthfully today?

4 A. No.

5 Q. What did you do to prepare for this deposition
6 today?

7 A. Spoke to my attorneys.

8 Q. Did you review any papers or documents?

9 A. Yes, I reviewed the conversation that I had at
10 the first preliminary hearing and initial disclosures.

11 Q. By preliminary hearing, you mean the mandatory
12 mediation session that was held at the Southern District
13 of New York?

14 A. No, I meant the first hearing that was held
15 before the mediation.

16 Q. The 50-H?

17 A. Yes.

18 Q. So you read your testimony from the 50-H
19 hearing?

20 A. Yes.

21 Q. What was the other thing that you reviewed?

22 A. With my attorneys the initial disclosures.

23 Q. Did they refresh your recollection?

24 A. Yes.

25 Q. When did you review them?

R. UMANZOR

1 A. Last couple of days.

2 Q. This week?

3 A. This week.

4 Q. Did you speak with anyone else to prepare for
5 your deposition today?

6 A. No.

7 Q. Did you discuss the fact you are appearing for
8 that deposition today with anyone?

9 A. My parents.

10 Q. What did you say?

11 A. That I was being deposed today by the attorney
12 of the City of New York.

13 Q. Anything else?

14 A. No.

15 Q. Did you discuss with anyone else?

16 A. No.

17 Q. Have you ever been a witness at a trial
18 before?

19 A. No.

20 Q. Have you ever been a witness at any kind of
21 hearing before?

22 A. No.

23 Q. Have you ever been a Plaintiff or a Defendant
24 in a lawsuit before?

25 A. No.

R. UMANZOR

1 Q. Have you ever been a witness at a deposition
2 before?

3 A. No.

4 Q. You gave testimony at the 50-H hearing, but
5 have you done anything like a 50-H hearing before?

6 A. No.

7 Q. Have you submitted an affidavit in any type of
8 legal proceeding before?

9 A. By affidavit you mean?

10 Q. A sworn testimony in written form.

11 A. No.

12 Q. Currently, are you involved in any other
13 lawsuits with the City of New York or one of its
14 agencies?

15 A. No.

16 Q. Have you ever been a complainant or respondent
17 in any other type of legal proceeding?

18 A. No.

19 Q. Restate your full name for the record?

20 A. Randy Orlando Umanzor.

21 Q. Have you been known by any other name than the
22 name you just provided?

23 A. No.

24 Q. Is English your first language?

25 A. Spanish was my first language.

R. UMANZOR

1 Q. How long have you been speaking English?

2 A. 24 years since I was born.

3 Q. Are you fluent enough in English today to
4 understand and participate in the deposition?

5 A. Yes.

6 Q. What is your date of birth?

7 A. August 28, 1990.

8 Q. What is your place of birth?

9 A. Manhattan, New York City.

10 Q. Have you ever used any other Social Security
11 number other than the one you used in your application
12 with the NYPD?

13 A. No.

14 Q. What is your current home address?

15 A. 12 Downey Place in Staten Island, New York.

16 Q. How long have you lived at that address?

17 A. About six months.

18 Q. Where did you live before that?

19 A. 53 Regis Drive in Staten Island, New York.

20 Q. How long did you live at that address?

21 A. Approximately eight months.

22 Q. Where did you live before Regis Drive?

23 A. 12 Celebration Lane in Staten Island, New
24 York.

25 Q. How long did you live there?

R. UMANZOR

1 A. One year.

2 Q. Where did you live before Celebration Lane?

3 A. 274 Willowbrook Road.

4 Q. How long did you live there?

5 A. About four months.

6 Q. Before Willowbrook Road?

7 A. 95 Linden Boulevard in Brooklyn, New York.

8 Q. How long did you live there?

9 A. Over 22 years. That was my first address.

10 Q. At 12 Downey Place, do you rent or own that
11 address?

12 A. My parents own.

13 Q. Do you pay rent?

14 A. No.

15 Q. By your parents, is this your biological
16 parents?

17 A. Yes.

18 Q. What are your parents name?

19 A. Mother's name is Vilma Umanzor.

20 Q. Your father's name?

21 A. Jose Umanzor.

22 Q. Are all the other addresses that you listed
23 ones where you lived with your parents?

24 A. At 12 Celebration, I lived with my mom.

25 Q. Did your mother own that address?

R. UMANZOR

1 A. She rented.

2 Q. 95 Linden Boulevard?

3 A. I lived with my parents for most of the time.

4 My father didn't live with us for a few years.

5 Q. What about 53 Regis Drive - with both your
6 parents?

7 A. Yes.

8 Q. Did you rent there?

9 A. Yes.

10 Q. Have you paid rent at any point at any of
11 these?

12 A. No.

13 Q. Do you know how much the monthly rent is?

14 A. Currently, the mortgage?

15 Q. Yes, mortgage.

16 A. No.

17 Q. Are you married?

18 A. No.

19 Q. Do you have any children?

20 A. No.

21 Q. What is your highest level of education?

22 A. I have a Bachelors Degree in Criminal Justice.

23 Q. What school is that from?

24 A. John Jay College of Criminal Justice.

25 Q. Have you attended any other schools?

R. UMANZOR

1 A. Yes.

2 Q. What schools?

3 A. Kingsborough Community College.

4 Q. How long did you attend Kingsborough Community
5 College?

6 A. Year and a half, two years.

7 Q. Anywhere else?

8 A. I was, prior to that, I was at City Tech for
9 about a year.

10 Q. Did you transfer your credits from these two
11 schools to John Jay College?

12 A. Yes.

13 Q. How long were you at John Jay College?

14 A. Over three years.

15 Q. Did you graduate from Kingsborough Community
16 College, did you achieve an associates?

17 A. Yes.

18 Q. Is that general associates?

19 A. Associates in Liberal Arts.

20 Q. Did you get any certification or sort of
21 degree from City Tech?

22 A. No.

23 Q. Do you hold any special licenses or
24 certificates?

25 A. Other than my bachelors degree, no.

R. UMANZOR

1 Q. Have you ever received unemployment insurance
2 benefits?

3 A. No.

4 Q. Have you ever received Social Security
5 benefits?

6 A. No.

7 Q. Have you receive disability compensation from
8 the state or federal government?

9 A. No.

10 Q. Have you received workmen's compensation
11 benefits?

12 A. No.

13 Q. Have you received any welfare or public
14 assistance benefits of any time?

15 A. I had Medicaid insurance.

16 Q. How long have you had Medicaid?

17 A. Pretty much all my life.

18 Q. Any other welfare or public assistance?

19 A. Financially at that school.

20 Q. Was that only at John Jay College or at other
21 schools as well?

22 A. That was at other schools as well.

23 Q. What kind of financial aid?

24 A. Hey gave me FAFSA and they also gave me TAP.

25 Q. TAP stands for Tuition Assistance Program and

R. UMANZOR

1 FAFSA stands for Federal Aid something. What was the
2 total amount of tuition assistance provided?

3 A. I don't know.

4 Q. Were you paying tuition at all during the time
5 period you were at John Jay College?

6 A. During my last semester, I received a loan.

7 Q. How much was the loan for?

8 A. About \$4,500.

9 Q. That would be spring of 2014. When did you
10 graduate?

11 A. Spring of this year, 2015.

12 Q. This spring 2015, you took out a loan for
13 \$4,500?

14 A. Yes.

15 Q. Any point prior, were you taking out any
16 loans?

17 A. No.

18 Q. How much is your tuition for?

19 A. I don't recall the actual number.

20 MR. LOCKINGER: I'm going to request for the
21 releases for the educational records of John Jay
22 College, Kingsborough Community College and City
23 Tech.

24 Q. You said you were at John Jay college for
25 three years. Is that correct?

R. UMANZOR

1 A. Yes.

2 Q. So from spring of 2012 until spring of 2015?

3 A. Yes, approximately.

4 Q. Did you take out any other loans other than
5 the one you took out in spring of 2015?

6 A. No.

7 Q. From spring of 2012 until fall of 2014, your
8 tuition was completely covered by the school?

9 A. Yes.

10 Q. Did you have to pay for books or anything like
11 that?

12 A. Yes.

13 Q. Do you know how much you paid for the books
14 between that time period from spring of 2012 to fall of
15 2014?

16 A. I don't know the actual number.

17 Q. Do you have receipts, kept any records?

18 A. I haven't kept receipts.

19 Q. Have you ever declared bankruptcy?

20 A. No.

21 Q. Who did you take your loan through? Is that a
22 private loan?

23 A. I believe so. I'm not sure.

24 Q. Did anyone cosign on the loan?

25 A. No.

R. UMANZOR

1 Q. Is it a loan backed by the federal government
2 or something you got through FAFSA?

3 A. It was not through FAFSA.

4 MR. LOCKINGER: I'm going to request the
5 records for the loan.

6 Q. Are you currently employed?

7 A. No.

8 Q. When was the last time you were employed?

9 A. I was at Modells Sporting Goods from August of
10 2012 to January of 2013.

11 Q. How much did they pay?

12 A. \$8 an hour.

13 Q. What was your title?

14 A. I was a sales associate.

15 Q. Was that full-time?

16 A. No, part-time.

17 Q. How many hours a week?

18 A. Between 30 and 35 hours a week.

19 Q. Why did you leave?

20 A. Because I got sick in January of 2013.

21 Q. Did you quit?

22 A. No, I didn't quit. They sent me paperwork for
23 medical leave.

24 Q. You took medical leave?

25 A. Yes.

R. UMANZOR

1 Q. Was it unpaid?

2 A. It was unpaid.

3 Q. Do you have copies of the papers that they
4 sent you for your medical leave?

5 A. No, I didn't fill the paperwork out.

6 Q. They gave you papers that you could fill out
7 that you didn't fill out?

8 A. Yes.

9 Q. Did you ever attempt to go back to work for
10 them?

11 A. They offered me to come back but I had moved
12 to Staten Island and wasn't making enough money to
13 travel back and forth.

14 Q. Where is it located, the Modells you worked
15 at?

16 A. 140 Flatbush Avenue in Brooklyn, New York.

17 Q. When did they offer you to come back?

18 A. In January.

19 Q. Of 2013?

20 A. 2013.

21 Q. Had you at any point since January 2013
22 attempted to go back to Modells?

23 A. No.

24 Q. Why not?

25 A. I went to focus on school.

R. UMANZOR

1 Q. Did you work anywhere before Modells?

2 A. No.

3 Q. Is Modells the only job you had?

4 A. Yes.

5 Q. Are you currently seeking employment?

6 A. Yes.

7 Q. Did you have any other employment during the

8 time period you were in school?

9 A. No.

10 Q. So you worked at Modells for five or six

11 months?

12 A. Yes.

13 Q. The reason why was that you wanted to finish?

14 A. Yes.

15 Q. You felt you couldn't have part-time work and

16 go to school?

17 MR. RIVERA: Objection.

18 A. I wanted to focus primarily on school and my

19 future in law enforcement.

20 Q. Did you feel you would have been able to go to

21 school and have part-time work at the same time?

22 MR. RIVERA: Objection.

23 A. I had other responsibilities at home so I

24 didn't want to slack off on school.

25 Q. But you didn't apply for any part-time

R. UMANZOR

1 positions during the time period from January 2013 up
2 until spring of 2015?

3 A. No - I'm sorry, have I applied for positions
4 from January 2013 to spring of 2015?

5 Q. Yes. Outside of the NYPD application, did you
6 apply to any other jobs?

7 A. Not to my knowledge.

8 Q. Is there any reason why now that you don't
9 apply for the job?

10 A. I took a sanitation exam.

11 Q. That is a civil service exam?

12 A. Yes.

13 Q. When did you take that?

14 A. I took that in or around February of this
15 year.

16 Q. Have you taken any other civil service exams?

17 A. Yes, I have taken the Suffolk Police
18 Department exam.

19 Q. You took the NYPD exam, police officer exam?

20 A. No, I didn't take that exam.

21 Q. Any reason why not?

22 A. I wanted to get into the cadet program that
23 will lead me to become a police officer.

24 Q. What was the exam you just mentioned that you
25 just took?

R. UMANZOR

1 A. Suffolk Police Department.

2 Q. When did you take that?

3 A. June of this year.

4 Q. Have you taken any other civil service exams?

5 You mentioned one for sanitation in February 2015 and a
6 police exam in Suffolk County in June of 2015.

7 A. No.

8 Q. You never have taken the civil service exam
9 for the New York City Police Department?

10 A. No.

11 Q. Have you gotten the results for the civil
12 service exams you took?

13 A. Not yet.

14 MR. LOCKINGER: Let the record reflect I'm
15 putting in the complaint for this action and it is
16 Defendant's Exhibit 1.

17 (Whereupon, the aforementioned document was
18 marked as Defendant's Exhibit 1 for identification as of
19 this date by the Reporter.)

20 Q. You stated in your complaint you were
21 diagnosed with multiple sclerosis in 2013 that I'll
22 refer to as MS. When in 2013 were you actually
23 diagnosed with MS?

24 A. I began treatment in August 2013 but it was
25 suspected pretty much in all 2013.

R. UMANZOR

1 Q. When you say suspected, what do you mean by
2 that?

3 A. They thought that this is what I had.

4 Q. By they you mean the doctors treating you?

5 A. Yes.

6 Q. Here is a test in 2013 including MRIs and CAT
7 scans.

8 MR. LOCKINGER: I would like to introduce
9 these as exhibits. Let the record reflect I'm
10 putting in what has previously been marked as
11 Defendant's Exhibit 000035 through 000036 as
12 Exhibit 2. Also I'm putting in 000033 and 000034
13 as Exhibit 3.

14 (Whereupon, the aforementioned documents were
15 marked as Defendant's Exhibits 2 and 3 for
16 identification as of this date by the Reporter.)

17 Q. If you could review Exhibits 2 and 3 and
18 familiarize yourself. Have you seen these documents
19 before?

20 A. I have seen them but haven't gone through
21 them.

22 Q. You said you saw these documents. When was
23 the first time you saw them?

24 A. They were given to me at the appointment times
25 when I talked to my doctor.

R. UMANZOR

1 Q. They were given to you by the doctor?

2 A. They weren't given to me but they were
3 explained to me.

4 Q. You obviously received them at some point?

5 A. I never received them. I received them when
6 my medical records were requested.

7 Q. The first time you actually received the
8 documents was when you requested your medical records?

9 A. Yes.

10 Q. When was that?

11 A. When I had gotten disqualified in May of 2014.

12 Q. You did not request your medical records prior
13 to disqualification?

14 A. No.

15 Q. Did you provide your medical records to the
16 NYPD as part of your application?

17 A. No.

18 Q. Weren't you requested to provide medical
19 records in a note from your doctor when you were placed
20 on medical review?

21 A. Yes, when I was placed on medical review is
22 when I provided this.

23 Q. That is prior to your disqualification?

24 A. Yes.

25 Q. Did you see them when you requested them as

R. UMANZOR

1 part of your medical review?

2 A. No.

3 Q. You just submitted the request to the doctor
4 and the doctor submitted them directly to the NYPD?

5 A. I submitted the request to my doctor and she
6 gave them to me along with the doctor's note.

7 Q. And you mailed, faxed them?

8 A. Yes.

9 Q. By doctor, this is Dr. Babinski?

10 A. Yes.

11 Q. Going back in these reports, these are two
12 MRIs that were conducted - one of your spine and one of
13 your brain. The findings in the first Defendant's
14 Exhibit 2 don't state any finding of MS.

15 MR. RIVERA: Objection.

16 Q. The findings in Defendant's Exhibit 3, if you
17 could read for me on the first page the bottom, the last
18 complete sentence, what does it say there?

19 A. "Findings are consistent with the clinical
20 diagnosis of multiple sclerosis."

21 Q. What is the date of this report?

22 A. March 14, 2013.

23 Q. Is this around the time you were informed you
24 had MS?

25 A. Yes.

R. UMANZOR

1 Q. Do you remember who told you?

2 A. This doctor didn't tell me I had MS. She said
3 it was possible I had MS.

4 Q. This is Alla A. Mesh, who is that?

5 A. She is a neurologist.

6 Q. Was she your neurologist?

7 A. She is a neurologist that my primary doctor
8 sent me to.

9 Q. Who is your primary doctor?

10 A. Manana Petrov.

11 Q. When did you see Dr. Mesh first, do you
12 recall?

13 A. Early 2013.

14 Q. You saw her early 2013. Was it around the
15 time of this exam which is March of 2013?

16 MR. RIVERA: Objection.

17 A. Yes.

18 Q. By this exam, it is the MRI of your spine?

19 A. Yes.

20 Q. Do you recall when the MRI of your spine was
21 taken?

22 A. No, I don't.

23 Q. Exhibit 2 mentions an MRA of the head and MRI
24 of the brain. Do you recall either of those exams?

25 A. I believe this was in the Brooklyn Hospital.

R. UMANZOR

1 Yes, I do recall.

2 Q. What time period?

3 A. That was in February of 2013.

4 Q. You said that Dr. Mesh was not the one that
5 told you that you had MS. Do you recall who told you
6 that you did have MS for the first time?

7 A. She referred me to Dr. Babinski. She is an MS
8 specialist.

9 Q. Dr. Babinski was the first person to tell you
10 that you had MS?

11 A. Yes.

12 Q. You said that Dr. Babinski is an MS
13 specialist. What is your knowledge of her credentials?

14 MR. RIVERA: Objection.

15 A. I'm not sure. She just sees patients with MS.

16 Q. Did someone tell you she is a MS specialist?

17 A. Yes.

18 Q. Who told you that?

19 A. She did.

20 Q. Leading up to your diagnosis with MS, have you
21 been hospitalized?

22 A. Yes.

23 Q. When were you hospitalized?

24 A. In February of 2013.

25 Q. How long were you hospitalized for?

R. UMANZOR

1 A. About eight days.

2 Q. Where were you hospitalized?

3 A. At Brooklyn Hospital.

4 Q. How did you end up getting hospitalized - you
5 go to the hospital and check yourself in?

6 A. Yes.

7 Q. What led you to go to the hospital and check
8 yourself in?

9 A. I felt weakness.

10 Q. What do you mean by that?

11 A. I felt weakness on the left side of my body.

12 Q. Can you describe where on the left side of
13 your body?

14 A. It was weakness and numbness from my left foot
15 to the top of my left head.

16 Q. Did you have anything like this before?

17 A. No.

18 Q. How long had the numbness lasted, like when
19 did it first start or when did you first notice it?

20 MR. RIVERA: Objection.

21 A. A few days before I went to - no, in the month
22 prior to going to Brooklyn Hospital.

23 Q. Month prior being January?

24 A. 2013.

25 Q. Did you leave Modells Sporting Goods because

R. UMANZOR

1 you felt this numbness?

2 A. No.

3 Q. You said you fell sick previously when you
4 left Modells Sporting Goods. Did you have some other
5 sort of symptom?

6 A. I felt weak on the same left side of my body.

7 Q. That made you feel you couldn't continue to
8 work at Modells?

9 A. Yes.

10 Q. You went to the hospital at some point in
11 February and you checked yourself in. What happened
12 next?

13 A. They did several exams on me. They did MRA,
14 MRI.

15 Q. Anything else?

16 A. I believe a CAT scan.

17 Q. Do you remember the names of any doctors
18 treating you during that time period?

19 A. No.

20 Q. Do you recall how many doctors were treating
21 you like a panel of physicians, was it one physician?

22 A. It was a few physicians.

23 Q. Do you recall the day of the week you checked
24 into the hospital?

25 A. No.

R. UMANZOR

1 Q. Were you given tests results of any of the
2 tests taken?

3 A. I was discharged as having a minor stroke.

4 Q. Were there any follow-up instructions provided
5 by the physicians when they discharged you?

6 A. No, I was just placed on chewable tablets to
7 prevent minor strokes. Aspirin.

8 Q. You were released in February 2013 and told
9 you had a minor stroke. What was your next doctor's
10 appointment after that?

11 A. I don't recall.

12 Q. At some point, you saw Dr. Mesh, correct?

13 A. Correct.

14 Q. Was that the next doctor you saw after you
15 left the hospital?

16 A. No, I saw my primary doctor.

17 Q. When did you see your primary doctor?

18 A. Soon after being discharged.

19 Q. Where is your primary doctor located?

20 A. I don't know the exact address. She is not at
21 Brooklyn Hospital.

22 Q. She doesn't work in Brooklyn Hospital?

23 A. No. On Ocean Avenue in Brooklyn, New York. I
24 don't know the exact address.

25 Q. Did you see her in February?

R. UMANZOR

1 A. Yes.

2 Q. Why did you go see her?

3 A. Checkups, she wanted to check up on me and
4 follow-up.

5 Q. You said she wanted to follow-up with you.
6 Why did she want to follow-up with you?

7 A. See how I was doing.

8 Q. Is that a formal thing? How often did you do
9 checkups with your doctor?

10 MR. RIVERA: Objection.

11 A. I don't know.

12 Q. How many times had you gone to her prior in
13 the year 2012?

14 A. Not much that I can recall.

15 Q. How about 2011?

16 A. The same.

17 Q. Do you recall going to her in 2012 at any
18 point?

19 A. I honestly don't recall.

20 Q. When was the first time you went to her in
21 2013? Was this in February?

22 A. February.

23 Q. Did she call you to come in?

24 A. Yes.

25 Q. What did she say?

R. UMANZOR

1 A. She received the results from Brooklyn
2 Hospital and she was not convinced I had a minor stroke.

3 Q. What did she say at your appointment? Did she
4 run any tests?

5 A. No.

6 Q. Did she do a checkup?

7 A. She referred me to Dr. Mesh.

8 Q. At that point of time when you saw Dr. Petrov,
9 were you experiencing any symptoms?

10 MR. RIVERA: Objection.

11 A. I don't recall.

12 Q. Did you still have left side numbness?

13 A. No.

14 Q. Still have tingling?

15 A. I believe I had minor tingling in my hand.

16 Q. Were your feet numb?

17 A. No.

18 Q. So at no point after February of 2013 did you
19 experience feet numbness?

20 A. Yes, I experienced feet numbness. I don't
21 recall the actual date when I saw Dr. Babinski.

22 Q. When you went to Dr. Babinski, you had feet
23 numbness at that point?

24 A. Yes.

25 Q. Was that a new symptom?

R. UMANZOR

1 A. Yes.

2 Q. Was that both feet?

3 A. No, left foot.

4 Q. When did that start?

5 A. I don't recall the actual date.

6 Q. But at some point after February of 2013?

7 A. Yes.

8 Q. In February 2013, you had an MRA, MRI and a
9 CAT scan. Did you have any subsequent MRIs after that
10 point of February 2013?

11 A. Yes.

12 Q. When was the next MRI that you had?

13 A. The one with Dr. Mesh in March.

14 Q. Dr. Mesh ordered one?

15 A. Yes.

16 MR. LOCKINGER: This was previously marked as
17 D000028 to D000029. Mark for identification as
18 Defendant's Exhibit 4.

19 (Whereupon, the aforementioned document was
20 marked as Defendant's Exhibit 4 for identification as of
21 this date by the Reporter.)

22 Q. Take a look at that, particularly the date
23 that is May 1, 2013.

24 A. Yes.

25 Q. Is this Dr. Mesh's report?

R. UMANZOR

1 A. No, this was the report for Dr. Babinski.

2 Q. This is Dr. Babinski's report?

3 A. Yes.

4 Q. You saw Dr. Babinski for the first time May 1?

5 A. Yes.

6 Q. Have you ever been hospitalized prior to
7 February of 2013?

8 A. No.

9 Q. This is your first time being hospitalized?

10 A. Yes.

11 Q. Have you been hospitalized since
12 February 2013?

13 A. No.

14 Q. You said Dr. Mesh ordered an MRI. You believe
15 that was in March or April?

16 A. I believe it was March.

17 Q. Were you told anything about the findings of
18 that MRI by Dr. Mesh?

19 A. She referred me to Dr. Babinski as an MS
20 specialist. She suspected MS.

21 Q. So you saw Dr. Babinski for the first time in
22 May 2013. Did she order any tests, Dr. Babinski?

23 A. Yes.

24 Q. What tests did she order?

25 A. MRIs and a spinal tap.

R. UMANZOR

1 Q. Were you told the findings of the MRIs or
2 spinal tap?

3 A. Not the spinal tap. She told me that the MRIs
4 showed MS.

5 Q. When you had your first appointment with
6 Dr. Babinski, you had feet numbness or left foot
7 numbness?

8 A. Yes.

9 Q. Did she prescribe anything for that?

10 A. She placed me on Solu-Medrol which is a
11 steroid medication.

12 Q. That resolved the left foot numbness?

13 A. Yes.

14 MR. LOCKINGER: We will take a brief break.

15 (Whereupon, a short recess was taken.)

16 This is three exhibits. The first has been
17 previously marked as D000026 and D000027 and that
18 will be marked as Exhibit 5. Next is D000019
19 through D000021 and that will be Exhibit 6. Final
20 one is D000022 through D000025 as Exhibit 7. Mark
21 for identification as Defendant's Exhibits 5, 6 and
22 7.

23 (Whereupon, the aforementioned documents were
24 marked as Defendant's Exhibits 5, 6 and 7 for
25 identification as of this date by the Reporter.)

R. UMANZOR

1 Q. Take a few minutes to review it.

2 A. Okay.

3 Q. Do you recognize these documents?

4 A. No.

5 Q. Have you seen them before today?

6 A. No.

7 Q. You submitted documents to the NYPD as part of
8 your medical review. Is that correct?

9 A. Yes.

10 Q. Do you know the documents that you submitted
11 as part of your medical review?

12 A. Submitted what my doctor gave me.

13 Q. Are these the documents that your doctor gave
14 you?

15 A. I don't know if they were in there. I didn't
16 see them.

17 Q. You didn't look at any of the documents you
18 submitted as part of your medical review?

19 A. What my doctor gave me, I submitted to medical
20 review.

21 Q. You never actually examined any documents that
22 you were submitting. So your doctor physically handed
23 them to you?

24 A. Her assistant handed them to me.

25 Q. Then you brought them or mailed them to NYPD?

R. UMANZOR

1 A. Brought them in person.

2 Q. At some point, you received a notice of
3 disqualification. Is that correct?

4 A. Yes.

5 Q. At that point, you were told that you could
6 submit additional documentation?

7 A. Yes.

8 Q. As part of your appeal?

9 A. Yes.

10 Q. You submitted these documents again?

11 A. Yes.

12 Q. And you didn't look at them?

13 A. No. Doctor's note and - I'm sorry, at the
14 appeal, I submitted my doctor's note and I believe my
15 transcript. I no longer had the medical records.

16 Q. You had an appointment with Dr. Babinski on
17 May 1. Is that correct?

18 A. Yes, 2013.

19 Q. Then Exhibit 5 states that you had another
20 appointment on May 15, 2013. Is that correct?

21 A. Yes.

22 Q. It states that you had what appears to be a
23 spinal tap on that date?

24 A. Yes.

25 Q. Then Exhibit 6 states that you had an

R. UMANZOR

1 appointment on May 30 of 2013. Is that correct?

2 A. Yes.

3 Q. The report states that you had foot numbness
4 in May of 2013 which was resolved with Solu-Medrol that
5 you previously testified to. Is that correct?

6 A. Yes.

7 Q. This report states that you had an MRI in
8 April of 2013?

9 MR. RIVERA: Objection.

10 Q. This is Exhibit 6 and the third page which is
11 D000021.

12 A. Yes.

13 Q. You previously testified that there was an MRI
14 ordered by Dr. Babinski in May of 2013. Could that MRI
15 have been the MRI that is stated here as April 2013 or
16 was there a subsequent MRI?

17 MR. RIVERA: Objection.

18 A. This MRI was the one that she issued for me I
19 believe when I saw her May 1.

20 Q. So the MRI that is referenced in page 3 of 3
21 of Exhibit 6 is the MRI ordered by Dr. Babinski?

22 A. Yes.

23 Q. After that is when she reported to you that
24 she believed you had MS?

25 A. Yes.

R. UMANZOR

1 Q. Exhibit 7 states that you had a consultation
2 on September 20, 2013. Do you recall that?

3 A. Yes.

4 Q. Was that at her office, Dr. Babinski's office?

5 A. Yes.

6 Q. Where is that located?

7 A. Methodist Hospital.

8 Q. This was your third time at her office?

9 A. I'm not sure how many times exactly.

10 Q. If we look at Exhibit 4, you had a
11 consultation on May 1, 2013; and Exhibit 5 consultation
12 May 15, 2013; and Exhibit 6 consultation May 30, 2013;
13 and then Exhibit 7, September 20, 2013.

14 A. Okay.

15 Q. So four consultations?

16 A. Yes.

17 Q. Do you recall having any other consultations
18 with Dr. Babinski other than the four I just listed?

19 A. Just saw her recently.

20 Q. When was that?

21 A. About two weeks ago.

22 Q. Did she conduct any tests?

23 A. Yes, she gave me the test and administered in
24 the office the balance test, had me walk up and down,
25 and everything was fine. There were no issues with the

R. UMANZOR

1 vision testing or anything.

2 Q. Did she do an MRI?

3 A. No.

4 Q. What about a CAT scan?

5 A. No.

6 Q. Spinal tap?

7 A. No.

8 Q. MRI?

9 A. No.

10 MR. LOCKINGER: I'll request a release of
11 Dr. Babinski's medical records to include the
12 consultation of two weeks ago.

13 Q. In Defendant's Exhibit 7, the report states
14 that you started taking Tecfidera on July 24, 2013. Is
15 that correct?

16 A. Yes.

17 Q. What led to you starting taking that
18 medication?

19 A. That is the medication she felt was best for
20 me.

21 Q. Why that particular date, do you recall, why
22 did it begin in July?

23 A. I had to clear the insurance. It took some
24 time before I started taking it.

25 Q. So you started the medication in July of 2013

R. UMANZOR

1 and then you came for a follow-up with Dr. Babinski in
2 September of 2013?

3 A. Yes.

4 Q. When you came in for the follow-up, did you
5 have any symptoms at that point?

6 A. Not of my MS. What I reported to her, she
7 felt probably from the medication that I started taking.

8 Q. What did you report to her?

9 A. My face got flushed when I first started
10 taking it.

11 Q. Anything else?

12 A. Second week, I got dizzy and a headache. I
13 lasted one week.

14 Q. Did you have any other symptoms at that time?

15 A. No.

16 Q. No numbness?

17 A. No.

18 Q. Tingling?

19 A. No.

20 Q. You are still taking Tecfidera?

21 A. Yes.

22 Q. How do you take the medication?

23 A. Twice a day.

24 Q. Do you know your dosage?

25 A. 240 milligrams.

R. UMANZOR

1 Q. Are you continuing to experience adverse
2 reactions to the medication?

3 A. Every now and then, my face gets flushed.
4 Rarely happens.

5 Q. Anything else?

6 A. No.

7 Q. Since you began the medication, have you had
8 any numbness?

9 MR. RIVERA: Objection.

10 A. What I felt, I believe I felt tingly in my
11 hand - nothing that stopped me from doing anything,
12 moving my hand. Nothing that would prevent me from
13 doing my duties as a cadet or police officer.

14 Q. When did you feel the tingling in your hand?

15 A. I would say maybe I felt it before I saw her
16 in September. Then maybe a few months after, it came
17 back for a short period of time.

18 Q. Which hand?

19 A. My left hand, my two fingers. I wouldn't say
20 it was a numb feeling I could feel it, but I did feel a
21 little tingle.

22 Q. Could you describe the sensation beyond
23 tingling, like what does it feel like?

24 A. I could feel it, I could move it, do
25 everything with it but there is a slight tingle. Like I

R. UMANZOR

1 said, I never had any issue moving it or doing anything
2 with my left hand. Honestly, nothing that would
3 prohibit me from doing any duties.

4 Q. You said the second week, after you started
5 taking Tecfidera, you got dizziness?

6 A. Yes.

7 Q. Have you experienced any other dizziness?

8 A. No.

9 Q. Are you still experiencing the tingle in your
10 hand?

11 MR. RIVERA: Objection.

12 A. No.

13 Q. Were you experiencing it in April 2014?

14 A. No, sir.

15 Q. When did you stop experiencing it?

16 A. Before April and I don't know exactly when.

17 Q. Between September 20, 2013 and the most recent
18 appointment you had with Dr. Babinski, have you had any
19 MS treatment or appointments?

20 A. I had MRIs.

21 Q. Do you recall the days or the month?

22 A. I don't recall.

23 Q. How many?

24 A. I believe two.

25 Q. Between September and April, did you have an

R. UMANZOR

1 MRIs - September of 2013 and April of 2014?

2 A. I'm not sure.

3 Q. Prior to September 2013, you had several MRIs.
4 Post September 2013, you are saying you had two MRIs to
5 the present day?

6 A. To the present day, yes.

7 Q. Were those ordered by Dr. Babinski?

8 A. Yes.

9 Q. Who conducts the MRIs, is it Dr. Babinski? Do
10 you take it at Dr. Babinski's office?

11 MR. RIVERA: Objection.

12 A. No, I go to a private clinic.

13 Q. Do you recall the name of the clinic?

14 A. NYU Premiere Imaging.

15 Q. Where is that located?

16 A. In Brooklyn.

17 Q. Have you seen any other doctors other than
18 Dr. Babinski since September 2013?

19 A. No.

20 Q. You haven't seen your primary care physician?

21 A. She administers a B12 shot.

22 Q. Is that a vitamin?

23 A. Vitamin B12 shot.

24 Q. Is that part of your treatment for your MS?

25 A. No.

R. UMANZOR

1 Q. What is the vitamin B12 for?

2 A. I'm low in vitamin B12.

3 Q. How long has that been your condition - is it
4 a condition?

5 A. No, not a condition. I have been getting that
6 B12 shot before my MS diagnosis.

7 Q. Do you recall when you started getting the B12
8 shot administered?

9 A. I'm not sure.

10 Q. Would it be something you got in 2012?

11 A. Yes.

12 Q. 2011?

13 A. I'm not sure if I started in 2011 yet.

14 Q. Did Dr. Babinski report any findings from the
15 MRIs you had conducted post September 2013?

16 A. No. She explained to me that I'm healthy and
17 I'll be fine and I'll have a healthy life.

18 Q. What did she state about your MS in terms of
19 the diagnosis, like what type of MS do you have?

20 A. I have RRMS. It is not the progressive MS.
21 It is not one that will stop me from doing any
22 capabilities at all.

23 Q. When you say it is not progressive MS, is that
24 something Dr. Babinski told you?

25 A. Yes.

R. UMANZOR

1 Q. That stands for remitting relapsing?

2 A. Remitting relapsing.

3 Q. You saw Dr. Babinski two weeks ago and you saw
4 her in September 2013. Did you have a consultation with
5 her between those two days?

6 A. Yes.

7 Q. Do you recall when?

8 A. No.

9 Q. Did you have a consultation with her in
10 April 2014?

11 A. I don't recall.

12 Q. In May of 2014?

13 A. I'm not sure exactly what date.

14 Q. How many consultations did you have between
15 September 2013 and your most recent consultation with
16 Dr. Babinski?

17 A. I would say one or two.

18 Q. That is for the MRIs?

19 A. No, they were checkups.

20 Q. Is that where she does her tests where she
21 checks the balance?

22 A. Yes.

23 Q. In your complaint you state you applied for a
24 paid internship as an NYPD cadet in February 2014,
25 paragraph 16 of your complaint. Do you recall when in

R. UMANZOR

1 February 2014 you applied for the cadet position?

2 A. No, sir.

3 MR. LOCKINGER: Let the record reflect I'm

4 introducing what will be Exhibit 8 and handing a

5 copy to Counsel. It has been previously marked at

6 D000046, D000047.

7 (Whereupon, the aforementioned document was

8 marked as Defendant's Exhibit 8 for identification as of

9 this date by the Reporter.)

10 A. Okay.

11 Q. Have you seen that document before?

12 A. Yes.

13 Q. You filled it out?

14 A. Yes, I filled it out.

15 Q. Is that document dated?

16 A. Yes, February 17.

17 Q. Does that seem like the date you submitted
18 your application?

19 A. Yes.

20 Q. When you filled this document out, is it
21 something you filled out at home?

22 A. No.

23 Q. Where did you fill this out?

24 A. At the cadet orientation.

25 Q. Where was that?

R. UMANZOR

1 A. Office of NYPD. I don't remember where
2 exactly.

3 Q. What was the cadet orientation?

4 A. It was an orientation where cadet prospects
5 sat and they explained to us what the process was of
6 becoming a cadet and what the duties are if you became a
7 cadet.

8 Q. How many people were there?

9 A. Over a hundred.

10 Q. How did you find out about the cadet
11 orientation?

12 A. Through school.

13 Q. Is that John Jay?

14 A. Yes.

15 Q. Was it a professor at school that told you
16 about it?

17 A. I believe I saw a flyer and I also seed an
18 e-mail.

19 Q. Who did the e-mail come from, do you recall?

20 A. I don't recall.

21 Q. Do you have a copy of that e-mail?

22 A. No.

23 Q. What if anything did you know about the cadet
24 program prior to going to the orientation?

25 A. It was a paid internship. I would receive

R. UMANZOR

1 experience that would benefit me if I decided to become
2 a police officer. They also told me that through the
3 cadet program was an easier way to become a police
4 officer.

5 Q. Prior to going to the cadet orientation, what
6 did you know about the NYPD cadet program?

7 A. It was a paid internship and I would gain
8 experience in the cadet program.

9 Q. How did you first find out about the NYPD
10 cadet program?

11 MR. RIVERA: Objection.

12 A. Through an e-mail or flyer I saw at school.

13 Q. Prior to seeing the e-mail or flyer, had you
14 heard of the cadet program?

15 A. I knew there were cadets. I wasn't sure how
16 the cadet program worked.

17 Q. You knew there were cadets. What does that
18 mean?

19 A. I have seen them.

20 Q. You seen the NYPD cadet?

21 A. Yes.

22 Q. When did you first see the NYPD cadet?

23 A. In school. I don't recall when.

24 Q. At John Jay?

25 A. Yes.

R. UMANZOR

1 Q. Do you have any friends in the NYPD cadet
2 program?

3 A. No.

4 Q. What was your goal in applying to the NYPD
5 cadet position?

6 A. I wanted to be a police officer.

7 Q. Was that your belief that was the only way to
8 become a police officer?

9 A. No.

10 Q. How else does one become a police officer?

11 A. Take the civil service examination.

12 Q. You have not taken the civil service
13 examination for police officer?

14 A. No.

15 Q. Do you still desire to be a police officer?

16 A. Yes.

17 Q. Why haven't you taken the civil service
18 examination for police officer?

19 A. I was disqualified for the cadet position.

20 Q. Is it your belief that the disqualification as
21 a NYPD cadet means you can't take the civil service
22 examination?

23 A. It is my belief that the disqualification from
24 the cadet will not allow me to be a police officer.

25 Q. What is the basis of that belief?

R. UMANZOR

1 MR. RIVERA: Objection.

2 A. I was disqualified for the cadet position that
3 would lead me to be a police officer.

4 Q. So it is your understanding that the NYPD
5 cadet program exists to send people to be police
6 officers?

7 A. Yes.

8 Q. In order to be a NYPD cadet today, you have to
9 be a police officer?

10 A. Could you rephrase that?

11 Q. It is your understanding that, in order to be
12 a NYPD cadet, you have to be able to be a police officer
13 as well?

14 MR. RIVERA: Objection.

15 A. In order to be a cadet, they would administer
16 the same. It goes through the same process as being a
17 police officer.

18 Q. What documents did you submit as part of your
19 application of being a NYPD cadet beyond this civilian
20 screening sheet in February of 2014? Did you submit
21 anything else?

22 A. This was what they requested and a booklet
23 online.

24 Q. In February of 2014 when you submitted the
25 civilian screening sheet, did you talk to anyone at that

R. UMANZOR

1 point about the NYPD cadet program?

2 A. No. They spoke to us in a group.

3 Q. Who did you hand this form into?

4 A. Police officer.

5 Q. When did you next hear from the NYPD about
6 your application?

7 A. I would say sometime in March.

8 Q. What were you told in March?

9 A. I was scheduled a medical appointment for
10 April 8.

11 Q. In March of 2014, is it your understanding
12 that you met the requirements to be a NYPD cadet?

13 MR. RIVERA: Objection.

14 A. Yes, sir.

15 Q. As you understand it, what were the
16 requirements to be a NYPD cadet?

17 A. You have to be enrolled in a college with a
18 certain number of credits.

19 Q. Do you recall how many credits?

20 A. Under 95. I don't recall the exact number.

21 Q. Was there a minimum amount of credits you had
22 to have?

23 A. 60 credits.

24 Q. Did you understand there to be character
25 requirements to be a NYPD cadet?

R. UMANZOR

1 A. What do you mean?

2 Q. That there was a certain character required
3 for people to be a NYPD cadet as in no convictions or
4 certain amount of convictions would bar you from being a
5 NYPD cadet?

6 MR. RIVERA: Objection.

7 A. I'm not aware of that.

8 Q. Is it your understanding that there is a
9 character requirement to be a NYPD police officer?

10 MR. RIVERA: Objection.

11 A. Can you rephrase?

12 Q. What is your understanding as to the
13 requirement that police officers have a certain
14 character to be police officers?

15 MR. RIVERA: Objection.

16 Q. Were you aware that an applicant to be a NYPD
17 cadet or police officer could be disqualified for
18 character reasons?

19 A. I was aware that you cannot be a criminal, you
20 can't have a felony charges.

21 Q. How do you define criminal?

22 A. I define criminal as someone that rapes,
23 kills, steals, someone that has served time in jail or
24 prison.

25 Q. That is your understanding how NYPD defines

R. UMANZOR

1 criminal?

2 MR. RIVERA: Objection.

3 A. That is what I understood.

4 Q. What is your understanding of the medical
5 requirements to be a NYPD cadet?

6 A. You had to pass the medical examinations when
7 they are administered to you.

8 Q. What do you mean pass the medical
9 examinations?

10 A. Well, at my appointment date, they
11 administered a series of medical exams and I passed all
12 of them. They check your eyesight, they check your
13 hearing, they check your heart, they do drug tests on
14 you. I had no issues and I passed all of those.

15 Q. What is your understanding for the purpose of
16 the medical exams?

17 A. To be sure you are medically able to be a
18 cadet.

19 Q. So your understanding is that the medical
20 requirement to be an NYPD cadet is to be medically fit
21 to be a NYPD cadet?

22 MR. RIVERA: Objection.

23 A. You have to pass the basic examination they
24 administer you. If you do not pass, you cannot be a
25 cadet.

R. UMANZOR

1 Q. In your civilian screening sheet, you state
2 that your license was suspended. Why was your license
3 suspended?

4 A. My license was suspended for failing to pay a
5 DMV assessment fees.

6 Q. When did that happen?

7 A. I don't recall the date it was suspended.

8 Q. How long was it suspended?

9 A. It wasn't suspended long.

10 Q. A month?

11 A. Probably.

12 Q. You were arrested December of 2013 for driving
13 with a suspended license. Is that correct?

14 A. Yes, sir.

15 Q. What was the disposition of that arrest?

16 A. I went to court and it was lowered to a minor
17 traffic infraction.

18 Q. Were you required to pay a fine?

19 A. Yes.

20 Q. Were you required to do any community service?

21 A. No.

22 Q. Beyond this conviction, did you have any other
23 convictions?

24 A. Convictions meaning?

25 Q. Where there was an arrest resulting in a final

R. UMANZOR

1 disposition by the court.

2 A. No.

3 Q. How many times have you been arrested?

4 A. One time.

5 Q. How many times have you been convicted?

6 A. After an arrest?

7 Q. Yes.

8 A. One time.

9 Q. Have you ever had an outstanding warrant?

10 A. Yes.

11 Q. When was that?

12 A. I don't recall the date. It was in 2012.

13 Q. How many times did you have an outstanding
14 warrant?

15 A. From what I know, twice.

16 Q. What does that mean?

17 A. Those are the only times.

18 Q. What does it mean to have an outstanding
19 warrant?

20 A. It means I failed to go to court.

21 Q. This was in 2012?

22 A. Yes.

23 Q. Was this not related to your suspended
24 license?

25 A. It is not related to that.

R. UMANZOR

1 Q. What was the outstanding warrant for?

2 A. I had allowed, I had noise exhaust violations.

3 Q. What does that mean?

4 A. My car produced a louder engine noise than
5 other cars.

6 Q. And you were pulled over for this?

7 A. Yes.

8 Q. Were you issued a summons?

9 A. Yes.

10 Q. And you didn't appear?

11 A. That is correct.

12 Q. Why didn't you appear?

13 A. I was busy with school.

14 Q. Was it your understanding you weren't required
15 to appear?

16 MR. RIVERA: Objection.

17 A. I appeared.

18 Q. I'm unclear. Did you appear or not appear?

19 A. I did not appear on the date my court date
20 was. I appeared after that.

21 Q. You didn't appear on the date that it was on
22 two different occasions?

23 A. Correct.

24 Q. On the final occasion, what was the
25 disposition?

R. UMANZOR

1 A. I paid a fine.

2 MR. LOCKINGER: We will take a lunch break.

3 (Whereupon, a short recess was taken.)

4 Q. In your complaint, you stated that on April 8,
5 2014 you reported to NYPD for a medical examination in
6 paragraph 18. Do you recall that medical examination?

7 A. Yes.

8 Q. You previously testified that they examined
9 your hearing, your vision, there was a drug test?

10 A. Heart exam, drug test.

11 Q. Is that EKG?

12 A. Yes.

13 Q. Do you recall who examined you at the time?

14 A. No.

15 Q. Were they police officers, doctors?

16 A. Some of them were police officers. I couldn't
17 tell if they were all because they were dressed in
18 regular apparel.

19 Q. Any of them identify themselves?

20 A. Yes.

21 Q. Did they say hi, I'm officer so and so?

22 A. No, the man that administered my drug test
23 said, if I one day I become a police officer, I'll be
24 like him taking drug samples from other recruits.

25 Q. Do you recall who administered your EKG?

R. UMANZOR

1 A. No. There were various females in the room.

2 Q. Did you get any results on that day, anyone
3 tell you the results of the examinations?

4 A. If you failed any examinations, they would
5 tell you and put you on medical review for that.

6 Q. You were placed on medical review?

7 A. For my MS, yes.

8 Q. How did they know about your MS?

9 A. I chose to disclose it on the application.

10 Q. You filled out?

11 A. Paperwork.

12 MR. LOCKINGER: I would like to introduce
13 Exhibit 9 what was previously marked D000010
14 through D000011. Mark for identification
15 Defendant's Exhibit 9.

16 (Whereupon, the aforementioned document was
17 marked as Defendant's Exhibit 9 for identification as of
18 this date by the Reporter.)

19 Q. Is this the medical questionnaire you filled
20 out?

21 A. Yes.

22 Q. You filled this out on April 8?

23 A. Yes.

24 Q. You filled in you were diagnosed with MS on
25 the form. Is that correct?

R. UMANZOR

1 A. Yes.

2 Q. The form states that you were placed on
3 review. There is a box that is checked that says on
4 review on the front page?

5 A. Okay.

6 Q. Was that checked after you signed it?

7 A. No. I signed this and I handed it in.

8 Q. On April 8, 2014, did someone tell you were
9 placed on medical review?

10 A. Yes.

11 Q. Who told you?

12 A. A police officer.

13 Q. You don't recall the name of the police
14 officer that told you?

15 A. No.

16 Q. The police officer give you a form to fill
17 out?

18 A. He gave me a paper.

19 Q. Do you recall what the paper looked like?

20 A. No.

21 Q. Do you recall what the paper said?

22 A. Submit medical review, submit medical records
23 and doctors note.

24 Q. Were you told to provide anything else?

25 A. No.

R. UMANZOR

1 Q. Where were you supposed to submit your
2 documents for medical review?

3 A. I was to bring them into the medical review
4 division, the board they have.

5 Q. Were you given a timeline?

6 A. I believe they said within a month.

7 Q. What was the reason they told you that you
8 needed to provide medical records?

9 A. Because of my MS.

10 Q. Did you submit fingerprints as part of your
11 background investigation on April 8, 2014?

12 A. Yes.

13 Q. Were you ever told the results of your
14 fingerprints?

15 A. No.

16 Q. Were you aware they ran your fingerprints?

17 A. Yes.

18 Q. Did they tell you they were going to run your
19 fingerprints?

20 A. Yes.

21 Q. On April 8, 2014, did you meet with anyone
22 else as part of the screening process? So we discussed
23 the medical portion of it. Was there anyone else you
24 met with on that day?

25 MR. RIVERA: Objection.

R. UMANZOR

1 Q. That you can recall?

2 A. Just several police officers I spoke to when
3 they administered my exams and took my prints is all I
4 can recall.

5 Q. Do you have a Facebook account?

6 A. I had at the time. My Facebook was
7 deactivated.

8 Q. On April 8, 2014, do you recall discussing
9 your Facebook account with anyone at the police
10 department?

11 A. Yes.

12 Q. What was discussed?

13 A. They do a social media check. They put me in
14 a room. They made me sign onto the account and I signed
15 on my Facebook account that was deactivated at the time.

16 Q. When you say it was deactivated at the time,
17 what do you mean?

18 A. On Facebook, you have an option to deactivate
19 your account which means you are not deleting it but you
20 are taking it off the view of anyone.

21 Q. When did you deactivate your Facebook account?

22 A. Month before, maybe even a year.

23 Q. So in 2013?

24 A. I deactivated my Facebook in 2013.

25 Q. When you signed into your account, what

R. UMANZOR

1 happened next?

2 A. I signed into all my accounts and I was asked
3 to leave the room.

4 Q. Was there any discussion that happened after
5 you left the room?

6 A. No.

7 Q. Was there any follow-up with you about your
8 Facebook account?

9 A. Never.

10 MR. LOCKINGER: D000092 through D000099 was
11 previously marked. Mark for identification
12 Defendant's Exhibit 10.

13 (Whereupon, the aforementioned document was
14 marked as Defendant's Exhibit 10 for identification as
15 of this date by the Reporter.)

16 A. Okay.

17 Q. Do you recognize the pictures that are
18 contained in this exhibit?

19 A. Yes.

20 Q. What are the pictures of?

21 MR. RIVERA: Objection.

22 A. Pictures when I went on a trip to the state of
23 Texas to spend time with my friends and family. My
24 family and my friends have legal firearms registered to
25 their name in a state where you can own and fire a

R. UMANZOR

1 firearm in a shooting range.

2 Q. When was the trip to Texas?

3 A. In 2011.

4 Q. You went with your family?

5 A. By myself.

6 Q. Who were the individuals in the picture, the
7 one in D000094?

8 A. That is a friend of Eddie Rodriguez. He is a
9 family friend.

10 Q. Eddie Rodriguez being?

11 A. The owner of the weapon.

12 Q. What is your association with Eddie Rodriguez?

13 A. Long time family friend. He is married to a
14 woman who has been, her mother was long time friends
15 with my aunt for years.

16 Q. D000099, is that Eddie Rodriguez?

17 A. Yes.

18 Q. Not the person holding the gun, the person
19 with the gun pointed to his head?

20 A. That is Eddie, yes.

21 Q. Who is holding the gun in that picture?

22 A. I am.

23 Q. What kind of gun is that?

24 A. It is a Ruger.

25 Q. Is that the same gun as in D000098?

R. UMANZOR

1 A. Yes.

2 Q. Did you take that picture?

3 A. Yes.

4 Q. Are you holding the gun there?

5 A. Yes.

6 Q. Is that the same gun as in D000096?

7 A. Yes. I took these pictures for artistic
8 reasons.

9 Q. There is no question pending. Is that the
10 same question as in D000095 or is this a different gun?

11 A. That is a different gun.

12 Q. Whose gun is that?

13 A. My cousin's gun.

14 Q. What is your cousin's name?

15 A. David Nelson.

16 Q. He lives in Texas as well?

17 A. Yes.

18 Q. Is the gun in D000093 also David Nelson's gun?

19 A. Yes.

20 Q. You took all these pictures?

21 A. Yes.

22 Q. In your complaint, you stated you provided
23 your medical records and a doctor's note to the NYPD,
24 paragraph 20. When did you provide medical records and
25 a doctor's note to NYPD?

R. UMANZOR

1 A. Within the timeframe they asked me to before
2 30 days.

3 Q. Do you recall the date?

4 A. I don't recall the date.

5 Q. Did you see Dr. Babinski after you were placed
6 on medical review? You obviously saw her two weeks ago,
7 but did you see her in-between being placed on medical
8 review and then submitting your medical records?

9 A. I did. In-between medical review?

10 Q. You were placed on medical review April 8,
11 2014 and some point, within 30 days, you submitted your
12 medical records to NYPD?

13 A. Right.

14 Q. Did you see Dr. Babinski in that time period?

15 A. I requested the medical records and the note
16 from her, yes. I did not see her.

17 Q. There was no medical examination by
18 Dr. Babinski during that time period?

19 A. I don't recall if she examined me within that
20 time period.

21 Q. You didn't see her?

22 A. I remember asking her assistant and telling
23 her I needed a doctor's note and the medical records. I
24 don't recall if within that time period she examined me
25 as well.

R. UMANZOR

1 Q. Did you have any discussion with Dr. Babinski
2 about the medical review?

3 A. I told her I was placed on medical review and
4 why and I gave her the reason because of my MS.

5 Q. Where? Was it in person?

6 A. It was in person. It was probably, after I
7 submitted the paperwork to NYPD, I had a discussion with
8 her.

9 Q. You had a discussion with her after you
10 submitted the paperwork?

11 A. Yes.

12 Q. Was that a consultation when you had your
13 discussion with her after you submitted the paperwork?

14 MR. RIVERA: Objection.

15 A. No.

16 Q. Was it an appointment? Did you have an
17 appointment? Why were you there?

18 A. I believe I don't recall exactly why I was
19 there.

20 Q. When you see Dr. Babinski, do you see her by
21 appointment?

22 A. Sometimes. Sometimes I go and get a
23 prescription to refill. I don't always go for an
24 appointment.

25 Q. When you go to have a prescription refilled,

R. UMANZOR

1 walk me through that process, how does that work?

2 A. When I need vitamin D, I have to get a
3 prescription so I would go and pick up the prescription
4 to take to the pharmacy.

5 Q. I thought vitamin D was administered by your
6 primary care physician?

7 A. No, that is my vitamin B12. She gives me
8 vitamin D.

9 Q. How often do you receive that?

10 A. I take one tablet of vitamin D every week.

11 Q. You need a prescription for vitamin D?

12 A. Yes.

13 Q. Your prescription is provided by Dr. Babinski?

14 A. Yes.

15 Q. How often do you fill that prescription?

16 A. It is a prescription for a month.

17 Q. Every month, you have to see Dr. Babinski for
18 refilling?

19 A. When my prescriptions are up, I have to see
20 her for new prescriptions.

21 Q. You go every month?

22 A. I get a prescription with two or three
23 refills. I can't recall.

24 Q. When you go for the refill, do you have to see
25 Dr. Babinski?

R. UMANZOR

1 A. Not always.

2 Q. When you do see Dr. Babinski, why do you see
3 Dr. Babinski in the situations when you refill?

4 A. She is available to talk to. If I have any
5 questions, I can just ask her.

6 Q. What type of questions?

7 A. Any questions I may have, she is there to
8 answer. I don't have to make an appointment to talk to
9 her or a consultation.

10 Q. When you spoke to her after you submitted your
11 paperwork to NYPD, what did you guys talk about?

12 A. I can't recall the exact conversation but I
13 did tell her my dream was to be a police officer and I
14 requested the medical records and her note because they
15 were requesting it from me.

16 Q. This is after you submitted your paperwork,
17 you are having a discussion with her?

18 A. Yes.

19 Q. You said you spoke to her after you submitted
20 your paperwork. What was the substance of that
21 conversation?

22 A. What do you mean by substance of that
23 conversation?

24 Q. What did you talk about?

25 A. I talked about my long term goals.

R. UMANZOR

1 Q. Had you not told her those previously?

2 A. I did but, at that point, I hadn't been
3 qualified yet so I explained to her I'm still in the
4 process of entering as a cadet.

5 Q. Did you talk about anything else?

6 A. No.

7 Q. So you expressed your goals, and had you ever
8 had any conversations with her about the note that she
9 provided you?

10 MR. RIVERA: Objection.

11 A. No.

12 MR. LOCKINGER: I'm going to introduce
13 D000018, mark as Defendant's Exhibit 11.

14 (Whereupon, the aforementioned document was
15 marked as Defendant's Exhibit 11 for identification as
16 of this date by the Reporter.)

17 Q. Have you seen this letter before?

18 A. Yes.

19 Q. What is it?

20 A. A letter that she states I can be entered into
21 the cadet and my examinations are normal except for mild
22 sensory loss in my two fingers on my left hand.

23 Q. When was Dr. Babinski's last examination prior
24 to writing this letter?

25 A. It was sometime before April. I would

R. UMANZOR

1 probably say February or March.

2 Q. You saw her in September of 2013, correct?

3 A. Correct.

4 Q. That is Exhibit 7, it was a report from that?

5 A. Correct.

6 Q. Your testimony today is you saw her at some
7 point after seeing her in September 2013?

8 A. Correct.

9 Q. But there was no report submitted from any
10 consultation after September of 2013.

11 A. I'm not sure if it was in September or March.
12 I'm not sure of the exact date. I do believe I saw her
13 before she wrote my letter.

14 Q. What is the nature of your belief, why you
15 believe that?

16 MR. RIVERA: Objection.

17 A. I just feel like I saw her after September and
18 before April.

19 Q. But you can't recall when?

20 A. I can't recall when.

21 Q. There was no report submitted to the NYPD of a
22 consultation after September of 2013?

23 A. No.

24 Q. When you saw her in September 2013, you said
25 you had been on medication for two months at that point.

R. UMANZOR

1 Correct?

2 A. Correct. Little less than two months.

3 Q. You said you experienced tingling in your hand
4 post September 2013, correct?

5 A. Yes.

6 Q. Did you report that to Dr. Babinski, the
7 tingling in your hand you felt post September 2013?

8 A. I don't remember if I reported to her.

9 Q. After September of 2013 and the date of this
10 letter, Defendant's Exhibit 11, did Dr. Babinski perform
11 an MRI on you?

12 A. After the date of this letter and after April.

13 Q. Before the date on the letter which is
14 April 15, 2014 and after the date of the report which is
15 September 20, 2013, was there an MRI ordered by
16 Dr. Babinski?

17 A. I don't recall.

18 Q. Was there a spinal tap ordered?

19 A. No, I only had one spinal tap.

20 Q. You said you spoke with Dr. Babinski's
21 assistant. What is Dr. Babinski's assistant's name?

22 A. Karen.

23 Q. How did you speak to her?

24 A. I called her.

25 Q. What did you say when you called her?

R. UMANZOR

1 A. That the NYPD was requesting a doctor's note
2 from Dr. Babinski.

3 Q. Anything else?

4 A. No.

5 Q. When did you receive the documents from
6 Dr. Babinski, how long after you called?

7 A. I would say a few days after I picked them up.

8 Q. You picked them up from Dr. Babinski's office?

9 A. Yes.

10 Q. Then you delivered them to the NYPD medical
11 division?

12 A. Yes.

13 Q. On the same day?

14 A. No.

15 Q. How long after you picked them up did you
16 deliver them?

17 A. I don't recall the exact date. I would say a
18 few days after as well.

19 Q. When you picked them up, you didn't speak with
20 Dr. Babinski?

21 A. No.

22 Q. When you called, you didn't request to speak
23 to Dr. Babinski?

24 A. No.

25 Q. How long after you submitted them did you

R. UMANZOR

1 speak with Dr. Babinski?

2 A. I remember talking to her maybe a few weeks
3 after.

4 Q. You stated you had two MRIs conducted after
5 the MRI that was done in April 2013. Is that correct?

6 A. Yes, but I can't recall the dates but it was
7 about two MRIs.

8 Q. Did you ever talk to Dr. Babinski about her
9 letter dated April 15, 2014?

10 A. No.

11 Q. After you were disqualified, you didn't talk
12 to her about the letter?

13 A. No.

14 Q. Did you ever tell her you were disqualified?

15 A. I told her recently.

16 Q. When you saw her two weeks ago?

17 A. Yes.

18 Q. That was the first time you told her?

19 A. That was the first time I mentioned to her
20 officially that I was disqualified.

21 Q. Have you ever discussed this lawsuit with her?

22 A. I did two weeks ago, yes.

23 Q. What did you say?

24 A. I told her that I felt the NYPD discriminated
25 against me for this condition. I felt 100 percent fine

R. UMANZOR

1 to answer. Because of that, I'm involved in a legal
2 matter and I'm getting assistance from my attorneys to
3 fight this.

4 Q. What did she say?

5 A. She agrees with me. She wants me to be a
6 police officer. She feels I can be a police officer,
7 there is nothing stopping me, and she wants me to fight
8 for what is right.

9 Q. Have you ever discussed the duties of a police
10 officer with Dr. Babinski?

11 A. No.

12 Q. What is your understanding of the duties of a
13 police officer?

14 A. As a police officer, you protect and serve the
15 community. You patrol the area and you practice
16 community policing to help protect the community.

17 Q. Is carrying a firearm a duty of a police
18 officer?

19 A. Yes.

20 Q. Driving a patrol car?

21 A. Yes, sir.

22 Q. Wrestling a perpetrator?

23 A. Yes.

24 Q. Dr. Babinski's letter states that you have
25 mild sensory loss in the first two fingers of your left

R. UMANZOR

1 hand in April 2014. Is that accurate?

2 MR. RIVERA: Objection.

3 A. No. At the time of my medical examination on
4 April 8, I did not have the numbness on my hands. I
5 didn't speak to her directly, I didn't ask her what to
6 put on the note. I just requested a doctor's note from
7 her.

8 Q. The last time you saw Dr. Babinski, did you
9 have mild sensory loss in the two fingers of your left
10 hand?

11 A. I can't remember if I did. I know for sure,
12 on the medical date, I did not have any sensory loss on
13 my fingers.

14 Q. You can't recall the last time prior to
15 April 2014 that you saw Dr. Babinski?

16 A. I can't recall.

17 Q. Other than September of 2013?

18 A. Yes, I can't recall.

19 Q. You can't recall if the last time you saw her
20 you were still experiencing sensory loss on your left
21 hand?

22 A. Yes, I can't recall.

23 Q. Dr. Babinski in her letter says your
24 neurological exam is normal. Do you know what
25 neurological exam she is referencing there?

R. UMANZOR

1 A. I would assume the exams of the MRIs that she
2 makes me get.

3 Q. The ones referenced in her reports?

4 A. Yes.

5 Q. That you provided to the NYPD?

6 A. Yes.

7 Q. Do you have any reason to believe that Dr.
8 Babinski didn't provide all the reports to the NYPD?

9 A. No, I don't know.

10 Q. So the medical records you provided to the
11 NYPD you believe to be complete?

12 A. Yes.

13 Q. You didn't provide Dr. Babinski with the list
14 of the essential functions of a police officer at any
15 point, did you?

16 A. Duties of a police officer?

17 Q. Yes.

18 A. I never provided her a list of any duties.

19 Q. When did you first tell Dr. Babinski you
20 wanted to be a police officer?

21 A. First day I met with her.

22 Q. May 1 of 2013?

23 A. Yes.

24 Q. Did you ever discuss the physical requirements
25 of being a police officer with Dr. Babinski?

R. UMANZOR

1 A. No. I would assume she knows what the duties
2 of a police officer are.

3 Q. What is the basis of that assumption?

4 MR. RIVERA: Objection.

5 A. She is a professional. For the most part,
6 people tend to know what police officers are there for.
7 Their duties are to protect people and those are the
8 most important duties of all.

9 Q. Has Dr. Babinski been a police officer that
10 you know?

11 A. No.

12 Q. Did she tell you she evaluated any other
13 police officers?

14 A. No.

15 Q. Did she ever work with police officers that
16 you know of?

17 A. I don't know.

18 Q. Dr. Babinski is a trained neurologist?

19 A. Yes, and her specialty is MS.

20 Q. Did Dr. Babinski explain to you what she meant
21 when she described your medical condition as medically
22 stable in this letter from April 15, 2014?

23 A. Can you rephrase that question?

24 Q. Do you know what she means by medically stable
25 in the letter here from April 15, 2014?

R. UMANZOR

1 MR. RIVERA: Objection.

2 A. Absolutely. It means I'm able to do the
3 duties of a police officer. She feels as well as I feel
4 that I can be a cadet and can be a police officer.

5 Q. But she doesn't say you are medically fit to
6 perform the duties of a police officer, does she?

7 A. She says I'm medically stable. By stable, she
8 means I'm medically ready to be a police officer.

9 Q. That is your understanding what she wrote here
10 in this letter?

11 MR. RIVERA: Objection.

12 A. Yes.

13 Q. What is the basis of that belief?

14 A. My examinations are normal, nothing stopping
15 me from doing anything that any regular person can do.

16 Q. Have you ever done any of the things that a
17 police officer would do?

18 MR. RIVERA: Objection.

19 Q. Have you ever driven a patrol car?

20 A. I never drove a patrol car.

21 Q. You haven't been employed since you were
22 diagnosed with MS, correct?

23 A. Correct.

24 Q. So you never worked with your current
25 condition?

R. UMANZOR

1 MR. RIVERA: Objection.

2 A. I not had a job since my diagnosis.

3 Q. What is your point of comparison for believing
4 that you are capable of having a job?

5 A. There is nothing wrong with me. I exercise, I
6 left weights. I can do anything that a regular person
7 can do. I know I can do anything a police officer can
8 do. There is nothing stopping my ability to move,
9 ability to function, to think. There is nothing
10 stopping me from doing anything I feel a police officer
11 can do.

12 Q. You are aware that police officers have to
13 work long hours?

14 A. I'm aware of that.

15 Q. They have to work sometimes on very little
16 sleep?

17 A. I'm aware of that.

18 Q. But you haven't done anything like that, have
19 you?

20 MR. RIVERA: Objection.

21 A. I stayed up countless hours for school
22 studying for school. When I worked, I worked countless
23 hours. I exercised for a long period of time.

24 Q. But you worked prior to your diagnosis?

25 A. But I'm able to stand for a very long period

R. UMANZOR

1 of time. My body does not give up on me. I can do
2 anything that would be required for a police officer to
3 do.

4 Q. But you haven't had a job since you were
5 diagnosed with MS?

6 MR. RIVERA: Objection.

7 A. I haven't had a job since I have been
8 diagnosed with MS.

9 Q. In your complaint, you stated on May 20, 2014,
10 you received a notice of medical disqualification in
11 paragraph 22?

12 A. Yes.

13 Q. What happened after that?

14 A. I received a notice of the medical
15 disqualification. On that notice, I had the right to
16 appeal to the Civil Service Commission which I did. I
17 appealed and I sent them the doctor's note and I
18 included my college transcript. After I appealed, the
19 same time I appealed, I sent the same packet to the
20 medical division after I appealed.

21 Q. Do you recall when?

22 A. Sometime after.

23 Q. Continue?

24 A. After I appealed to the Civil Service
25 Commission, a police officer - I believe he was a

R. UMANZOR

1 sergeant - called me. He told me that he had sent me
2 the wrong disqualification letter. The one he sent me
3 said I have a right to appeal. He told me I didn't have
4 a right to appeal and that he would send me out a new
5 disqualification letter and that he would get in contact
6 with his attorneys.

7 Q. Did you receive a new disqualification letter?

8 A. I did.

9 MR. LOCKINGER: June 27, 2014 letter from
10 Ilene Flaherty. Mark for identification
11 Defendant's Exhibit 12.

12 (Whereupon, the aforementioned document was marked
13 as Defendant's Exhibit 12 for identification as of this
14 date by the Reporter.)

15 Q. Have you seen this letter before?

16 A. Yes.

17 Q. Is that the letter you received, or you
18 received another letter?

19 A. This is the letter I received.

20 Q. This letter explains that NYPD is a
21 noncompetitive title?

22 A. Yes, and before this I also received the same
23 disqualification notice that I was sent the first time.

24 Q. Stating that you had the right to appeal?

25 A. With the exception that this one said I could

R. UMANZOR

1 not appeal to the Civil Service Commission, that I could
2 appeal to the commanding officer.

3 Q. Do you know the date that you received the new
4 DQ notice or disqualification notice?

5 A. I'm not sure on the date.

6 Q. Do you understand what it means for a position
7 to be in a noncompetitive title?

8 A. From my understanding what she meant by a
9 noncompetitive title, the cadet position didn't offer
10 the title as a real police officer; but from my
11 knowledge and from what I was told, after the cadet
12 position I could get into the police department as a
13 police officer much easier than had I not been a cadet.

14 Q. Did you take a civil service exam to be a
15 cadet?

16 A. No.

17 Q. Have you ever heard the term competitive
18 position?

19 A. No.

20 Q. When you received the new disqualification
21 notice, did you submit your documents again as part of
22 your appeal, the documents you previously described that
23 were a letter, transcript, and the doctor's note?

24 MR. RIVERA: Objection.

25 A. After I received the second one?

R. UMANZOR

1 Q. The second one, disqualification notice.

2 A. That I have to appeal to the commanding
3 officer?

4 Q. Yes.

5 A. I submitted to the commanding officer the same
6 letter I submitted to the Civil Service Commission.

7 MR. LOCKINGER: D000037 through D000039 mark
8 as Defendant's Exhibit 13.

9 (Whereupon, the aforementioned document was marked
10 as Defendant's Exhibit 13 for identification as of this
11 date by the Reporter.)

12 A. Okay.

13 Q. Are these the documents you submitted as part
14 of your appeal?

15 A. Yes.

16 Q. Did you submit any other documents?

17 A. No.

18 Q. And you submitted these to the commanding
19 officer and the medical division?

20 A. I submitted to the commanding officer.

21 Q. You stated previously when you submitted them
22 to the Civil Service Commission, you also submitted to
23 the medical division?

24 A. First time I appealed to the Civil Service
25 Commission, I also sent a copy to the medical division.

R. UMANZOR

1 Q. You didn't submit any additional
2 documentation?

3 A. No.

4 Q. Why not?

5 A. They didn't request any specific documentation
6 from what I recall.

7 Q. You didn't submit any new medical information?

8 A. No.

9 Q. You didn't discuss your disqualification with
10 Dr. Babinski?

11 MR. RIVERA: Objection.

12 A. At the time I first told her I had been
13 disqualified, my father was present so I didn't want him
14 to hear everything but I told her I had been
15 disqualified but she did not know any details of this
16 disqualification or why or any of that stuff.

17 Q. When was this?

18 A. I can't recall the date. It was much after my
19 disqualification.

20 Q. Prior to your appeal or after your appeal?

21 A. It was after my appeal to the commanding
22 officer.

23 Q. After you submitted your documents, is there
24 any reason why you didn't talk to Dr. Babinski about
25 your appeal?

R. UMANZOR

1 A. At the time I saw her, my father was in the
2 room and I didn't want him.

3 Q. I thought you were saying you had the
4 discussion with Dr. Babinski about your disqualification
5 after your appeal to the commanding officer?

6 A. Yes.

7 Q. So you already submitted your appeal at that
8 point?

9 A. I believe so. I can't recall if I submitted
10 my appeal.

11 Q. Is there any reason why you didn't talk to Dr.
12 Babinski about your appeal?

13 A. Because my father was in the room and, at that
14 point of time, I didn't want him to worry.

15 Q. Prior to that point, is there any reason why
16 you didn't talk to Dr. Babinski when you were told that
17 you had been medically disqualified?

18 A. It didn't come up. The last thing on my mind
19 was to talk to her. I was devastated. The last thing
20 on my mind was to talk to anyone what had happened. My
21 dreams were crushed. I was depressed. I felt my life
22 was ruined. I didn't think to call her and explain to
23 her what was going on.

24 Q. Did you consult with anyone else about
25 appealing your disqualification?

R. UMANZOR

1 A. No. After I appealed to the commanding
2 officer, that is where it ended.

3 Q. Did you talk to anyone about appealing the
4 medical disqualification?

5 A. No.

6 Q. D000037 letter, when did you write that?

7 A. I don't recall the date I wrote the letter.

8 Q. Sometime after May 20?

9 A. Yes.

10 Q. Did you show this letter to anyone else?

11 A. My attorneys.

12 Q. You showed it to your attorneys during the
13 appeal?

14 A. No, after.

15 Q. Did anyone tell you that you were not allowed
16 to submit additional medical documentation?

17 A. No one told me anything.

18 Q. You stated in your complaint you were
19 disqualified solely on the perception you were unable to
20 perform the job duties of a cadet or police officer.
21 What is the basis of that belief? I think it is
22 paragraph 28.

23 A. Can you enhance on the question?

24 Q. Why do you believe this to be true what you
25 stated in paragraph 28?

R. UMANZOR

1 A. Solely based on my disqualification. I was
2 not offered to speak to a doctor, I was not offered any
3 type of examinations afterwards. They disqualified me
4 solely because I had MS. They didn't ask to speak to
5 me. I didn't speak to a doctor, I didn't speak further
6 to any police officer.

7 Q. Did someone tell you that you were being
8 disqualified solely based on your MS?

9 A. That was the only reason written on the
10 disqualification sheet and that is why I believe that
11 was the sole reason.

12 Q. You didn't talk to the person that
13 disqualified you?

14 A. I didn't talk to the person that disqualified
15 me.

16 Q. You were given an opportunity to appeal to the
17 disqualification?

18 MR. RIVERA: Objection.

19 A. To the commanding officer, and I did.

20 Q. But you didn't submit any additional
21 documentation?

22 MR. RIVERA: Objection.

23 A. I submitted the same documentation I submitted
24 to the Civil Service Commission.

25 Q. That was a letter, and your college transfer?

R. UMANZOR

1 A. Yes.

2 Q. And your doctor's note?

3 A. Yes.

4 Q. But no new medical information?

5 A. No.

6 Q. Did anyone tell you that your medical records
7 were not considered when you were placed on medical
8 review?

9 A. They were not considered as?

10 Q. They weren't considered in making the
11 determination to disqualify you?

12 A. No.

13 Q. Do you have any reason to belief your medical
14 records were not considered when you were disqualified?

15 A. I honestly don't know why I was disqualified.
16 I feel they should have offered me an examination and I
17 would have showed, I would have proven, that I can take
18 the position.

19 Q. Is it your understanding that other people are
20 given examinations?

21 A. Well, given a chance to talk to them and not
22 disqualify a person based on any disability or anything
23 that a person may have. The NYPD is supposed to hire
24 anyone. They can not discriminate based on any medical
25 reasons or anything at all.

R. UMANZOR

1 Q. It is your understanding that the NYPD cannot
2 disqualify based on medical reasons?

3 MR. RIVERA: Objection.

4 A. It is my understanding that the NYPD has to
5 hire anyone and they cannot discriminate for any reason.

6 Q. But NYPD is allowed to disqualify for medical
7 reasons, correct?

8 MR. RIVERA: Objection.

9 A. They cannot disqualify for medical reasons.

10 Q. If you do not pass the medical examination,
11 the NYPD can disqualify candidates. Correct?

12 MR. RIVERA: Objection.

13 A. Right, in which I passed the medical
14 examination.

15 Q. Do you have any reason to believe other
16 candidates that are on medical review are treated
17 differently than you were?

18 MR. RIVERA: Objection.

19 A. I don't know.

20 Q. What damages have you suffered as a result of
21 the NYPD actions?

22 A. My dream since I was very young was to be a
23 police officer for New York City. This is my city and I
24 want to protect and serve our community and every New
25 Yorker. Because of this disqualification, I will never

R. UMANZOR

1 live to meet my goals. I never will be a police
2 officer. That hurts the most. That hurts me more than
3 my diagnosis of MS. When I was diagnosed, I felt fine.
4 I didn't really care. When I was disqualified, it is
5 like my dreams are crushed. Everything I learned in
6 school was for nothing because I can't even be a police
7 officer in my own city.

8 Q. You haven't applied to be a police officer
9 again, have you?

10 A. No.

11 Q. You haven't applied to be a police officer -
12 you applied to be a NYPD cadet?

13 A. Correct.

14 Q. How much money damages do you believe you are
15 entitled to?

16 A. I don't know. I discussed with my attorneys.

17 Q. You don't have an amount you believe you are
18 entitled to in this action?

19 MR. RIVERA: Objection.

20 A. This is between me and my attorneys the
21 discussions we had. I can't tell you the amount. This
22 destroyed my life. You have no idea how hard this is on
23 me.

24 Q. You are asking for damages and presumably you
25 have an idea of what damages you feel you are entitled

R. UMANZOR

1 to.

2 MR. RIVERA: Objection.

3 A. This comes from what I discussed with my
4 attorneys.

5 Q. Are you saying the amount you believe you are
6 entitled to is privileged?

7 MR. RIVERA: Objection.

8 A. The amount comes from the discussion with my
9 attorneys.

10 Q. Do you believe you are entitled to emotional
11 damages?

12 A. I do.

13 Q. How much?

14 A. Again, this has been discussed between me and
15 my attorneys.

16 Q. Do you believe that you are entitled to
17 economic damages?

18 A. Yes, I do, and this has been discussed by my
19 attorneys.

20 Q. What types of economic damages have you
21 suffered?

22 MR. RIVERA: Objection.

23 A. I wasn't able to live my dream.

24 Q. What specific economic damages have you
25 suffered?

R. UMANZOR

1 MR. RIVERA: Objection.

2 A. I was denied the right to enter the NYPD as a
3 cadet which ultimately denies my right to enter as a
4 police officer after I finished my cadet program.

5 Q. Those aren't types of damages. Do you believe
6 you are entitled to salary?

7 A. I had several discussions with my attorneys
8 what I believe and what they believe I'm entitled to.

9 Q. That is not responsive. Do you believe you
10 are entitled to salary?

11 A. Yes.

12 Q. Do you believe you are entitled to back
13 salary?

14 A. What do you mean by back salary?

15 Q. Salary you would have earned prior to the date
16 of bringing your action.

17 MR. RIVERA: Objection.

18 A. Can you say that again?

19 Q. Do you believe you were entitled to salary or
20 pay that you would have received prior to bringing, to
21 initiating, filing your complaint, bringing this case?

22 A. I believe I'm entitled to anything of the
23 opportunity I would be given of the salary I would be
24 given as a cadet and police officer.

25 Q. Why do you believe you are entitled to

R. UMANZOR

1 salaries of a police officer?

2 MR. RIVERA: Objection.

3 A. I was discriminated, disqualified. I didn't
4 get that chance.

5 Q. You never took a civil service exam to be a
6 police officer?

7 MR. RIVERA: Objection.

8 A. I never did because I wanted to finish my
9 college degree. I wanted to get my bachelors degree,
10 finish my internship that will lead me into becoming a
11 police officer.

12 Q. That is not required to be a police officer.

13 A. It is not required.

14 Q. You never took the police officer's civil
15 service exam?

16 A. I never did.

17 Q. But you believe you are entitled to salary as
18 a police officer?

19 A. Absolutely.

20 MR. RIVERA: Objection.

21 Q. Are you aware that a police officer is a
22 competitive title that requires you to take a civil
23 service exam?

24 A. That I would have taken as a cadet.

25 Q. Has anyone told you that you cannot take a

R. UMANZOR

1 civil service exam for police officer?

2 A. I was told, after I entered the cadet program,
3 I would have to take the police exam at the time that
4 I'm a cadet.

5 Q. You would have to take it anyway?

6 A. Correct.

7 Q. And you still haven't taken it to this day?

8 A. I haven't taken it because I wanted to take it
9 when I was a cadet, finish my program, and advance to
10 police officer, do the program.

11 Q. You said you have emotional damages?

12 A. Yes.

13 Q. Do you have a witness to these damages?

14 A. My parents have seen me suffer. My parents
15 have seen me cry. My parents have cried themselves
16 knowing that my dream will not be lived. They believe
17 since I was very young that I would be a police officer
18 and they knew deep down inside I would be a best police
19 officer I could be.

20 Q. Did your parents cry when you were diagnosed
21 with MS?

22 A. My parents were fine when I was diagnosed with
23 MS.

24 Q. Did you cry when you were diagnosed with MS?

25 A. No, sir.

R. UMANZOR

1 Q. Did you lose any sleep when you were diagnosed
2 with MS?

3 A. No.

4 Q. Do you have any other witnesses to your
5 emotional damages?

6 MR. RIVERA: Objection.

7 A. My parents, my attorneys.

8 Q. Your attorneys will be witnesses to your
9 emotional damages?

10 MR. RIVERA: Objection.

11 A. I explained to them everything that I
12 suffered.

13 Q. Are you saying that your attorneys are fact
14 witnesses to your emotional damages?

15 MR. RIVERA: Objection.

16 A. What do you mean when you say fact witnesses?

17 Q. I'm asking you for witnesses to your damages.
18 Your attorneys are not witnesses. Your attorneys are
19 your attorneys. I'm asking for fact witnesses for
20 people that will provide testimony and support of your
21 contention to have emotional damages.

22 A. My parents.

23 Q. Anyone else?

24 A. No.

25 Q. Did you seek employment after you were

R. UMANZOR

1 disqualified by the NYPD?

2 A. Since then, I have sought employment, yes.

3 Q. When?

4 MR. RIVERA: Objection.

5 A. I can't recall the dates of all the places I
6 applied to but I have taken exams. I have applied to
7 jobs.

8 Q. You stated previously you took the sanitation
9 officer exam I believe in February of this year and the
10 Suffolk police officer exam in June of this year. Did
11 you take any civil service exams prior to filing this
12 lawsuit?

13 MR. RIVERA: Objection.

14 A. No.

15 Q. Did you apply for any jobs following this
16 lawsuit?

17 A. No.

18 Q. Have you applied for jobs after following this
19 lawsuit other than the two we mentioned?

20 A. Yes.

21 MR. LOCKINGER: I would request for all
22 applications to be produced.

23 Q. Have you been interviewed for any positions?

24 A. I'm continuing for a TSA position. I have not
25 been interviewed but I have taken exams and submitted

R. UMANZOR

1 information for that.

2 Q. When did you apply for TSA position?

3 A. A few months ago.

4 Q. A TSA position is working at a certain
5 airport?

6 A. Yes.

7 Q. What airport?

8 A. JFK.

9 Q. What is the title?

10 A. Security officer.

11 Q. You are not referring to some other TSA than
12 the one that works at airports?

13 A. TSA at airports.

14 Q. You applied for TSA. Have you applied for
15 anything else?

16 A. Yes.

17 Q. What else?

18 A. I applied for federal prisons. I applied for
19 UPS. I applied for Nike. I applied for Department of
20 Homeland Security. That is all I can recall.

21 Q. All of these have been post filing your
22 complaint?

23 A. Yes.

24 Q. Do you have a general timeframe to apply for
25 TSA?

R. UMANZOR

1 A. I would say April or May.

2 Q. Federal prisons?

3 A. I would say June.

4 Q. UPS?

5 A. Earlier this year, maybe March.

6 Q. Nike?

7 A. Earlier this year also, I would say maybe

8 January, February.

9 Q. And Department of Homeland Security?

10 A. That was in June.

11 Q. What were these positions? So for federal
12 prison, what was the title?

13 A. Prison guard.

14 Q. Where would that have been located?

15 A. They have several different areas, not
16 specific.

17 Q. What about UPS?

18 A. As a driver in Brooklyn.

19 Q. And Nike?

20 A. In a factory store in Brooklyn.

21 Q. What is the title for that job?

22 A. Sales associate.

23 Q. Department of Homeland Security?

24 A. As a criminal investigator.

25 Q. Have you had any interviews for any of these

R. UMANZOR

1 positions?

2 A. No.

3 Q. Have you been offered any position?

4 A. Yes.

5 Q. What position?

6 A. I was offered a position for the TSA agent.

7 Q. Did you accept that position?

8 A. Yes.

9 Q. When do you start work?

10 A. I'm still in the hiring process. I accepted
11 the position and I submitted my background check and my
12 credit check and I'm actually waiting for the
13 orientation.

14 Q. When does the orientation start?

15 A. I'm not sure. They haven't given me a date.

16 Q. Is that a full-time position?

17 A. It is a part-time position.

18 Q. Do you know what the pay is?

19 A. \$17 and change. I don't recall exactly how
20 much.

21 Q. How many hours a week, do you know?

22 A. 35 hours a week.

23 Q. When did you accept that position?

24 A. In June, last month.

25 Q. Have you stopped looking for employment?

R. UMANZOR

1 A. No.

2 Q. You are still looking?

3 A. Yes.

4 MR. LOCKINGER: I request production of any
5 documents associated with the TSA position
6 acceptance orientation.

7 Q. You submitted an application for the TSA
8 position?

9 A. Yes.

10 Q. Was there any sort of medical screening for
11 the TSA position?

12 A. No, I don't recall any medical screening.

13 Q. Has there been any medical screening for these
14 other positions?

15 A. No.

16 Q. Federal prison?

17 A. No.

18 Q. There is no medical screening to be a prison
19 guard?

20 A. When you say medical screening?

21 Q. You have to submit medical records or fill out
22 a form like a medical questionnaire similar to the one
23 you filled out with NYPD.

24 A. No.

25 Q. You stated in your complaint that you are

R. UMANZOR

1 seeking damages related to pain and suffering related to
2 disqualification and also for extreme mental anguish,
3 emotional distress, humiliation, and damage to your
4 reputation as a person with a disability. This is
5 paragraph 29. Please describe specifically the pain and
6 suffering that you allege?

7 A. I suffer a lot from this. There were
8 countless nights I can't sleep. Every time I see a
9 police car, I get upset. It was upsetting graduating
10 from college and just hearing that schoolmates were
11 entering the academy for NYPD. It is upsetting every
12 time I see NYPD knowing that I wanted to be an officer,
13 I wanted to work for my city and protect my city.

14 Q. Anything else?

15 A. I feel destroyed. It is a feeling that is
16 very, very hard to overcome. I feel like I'll never be
17 able to overcome this. I feel I'll never be able to get
18 better from this. It is extremely hard to see a police
19 officer and just say one day I wanted to be in that blue
20 uniform but I couldn't and I was not allowed to.

21 Q. You said you lost sleep. Any other physical
22 manifestations of the emotional pain?

23 A. Besides losing sleep, sometimes I can't think
24 straight because of it. It really did ruin me.

25 Q. You said it ruined you. How did it ruin you?

R. UMANZOR

1 A. It ruined me in a way I feel destroyed that,
2 everything I always wanted, I won't be able to have. I
3 won't be able to protect our families the way I would
4 have wished when my parents ran into problems that
5 someone would have been there.

6 Q. Can you think of other ways in which the
7 emotional pain and suffering has affected your life?
8 You said you lost sleep, you feel like it ruined you.

9 A. It ruined my parents. They dreamed to see me
10 patrol the city. By ruining them, I feel even more
11 ruined because my parents mean everything to me.

12 Q. Tell me about your emotional pain and surgery,
13 anything else?

14 MR. RIVERA: Objection.

15 A. I don't really like to put my business out
16 there.

17 Q. By not wanting to put your business out there,
18 is there any other reason you didn't talk to anyone else
19 about it?

20 A. No.

21 Q. Have you ever gone to a therapist or a
22 counselor or psychiatrist?

23 A. I saw a counselor at school.

24 Q. When was that?

25 A. A few months before I graduated maybe in

R. UMANZOR

1 April, March.

2 Q. April or March of 2015?

3 A. Earlier this year.

4 MR. LOCKINGER: I request the medical release
5 for the counselor at school.

6 Q. Was this a counselor or therapist where?

7 A. At school.

8 Q. Counselor at John Jay College. How many times
9 did you see the counselor?

10 A. One time.

11 Q. For how long?

12 A. About an hour.

13 Q. Did it help?

14 MR. RIVERA: Objection.

15 A. No.

16 Q. Why did you see the counselor?

17 MR. RIVERA: Objection.

18 A. I feel like I needed someone to talk to. I
19 felt that maybe someone could have helped me or guided
20 me and offered their opinion.

21 Q. Has your life been affected in any other way
22 as a result of the allegations in your complaint?

23 MR. RIVERA: Objection.

24 Q. Than what we discussed today.

25 A. Don't know where my future stands. I wanted a

R. UMANZOR

1 career, I wanted to be a police officer. I don't know
2 what is ahead of me.

3 MR. LOCKINGER: At this time, I have no
4 further questions. I'm going to leave the
5 deposition open pending receiving the documents
6 requested and records requested based on the signed
7 releases and or receipt of any other discovery or
8 additional information.

9 MR. RIVERA: We will oppose that.

10 MR. LOCKINGER: In the event I need you to
11 come back to answer further questions, I'll let you
12 know as soon as possible. Thank you.

13 MR. RIVERA: Please put the requests in
14 writing.

15 (Whereupon, at 2:45 P.M., the Examination
16 Before Trial was concluded.)

17

18

RANDY UMANZOR

19

20

21 Subscribed and sworn to before me

22 This _____ day of _____ 2015.

23

24

NOTARY PUBLIC

25

R. UMANZOR

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R. UMANZOR

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C E R T I F I C A T E

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